IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO.283 OF 2004

Babu Nana Lohar. .. Petitioner
Vs.
Sukumar Balkrishna Patil & Ors. .. Respondents
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Mrs. Varsha Palav for the petitioner.

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CORAM : R.M.S.KHANDEPARKAR, J

DATED : 21st December, 2004.

P.C.

1. Heard the learned advocate for the Petitioner. Perused the records.

2. The grievance of the petitioner is that inspite of the order dated 28th June, 2002 passed by this Court in Writ Petition No.4280 of 2001 directing the authorities not to take any further proceedings in relation to the orders which were impugned in the said petition. The Village Panchayat of Hingangaon, District Kolhapur has passed the resolution in relation to the assessment of the house situated in the property which was subject matter of the impugned order in the petition. Undoubtedly, the order dated

28th June, 2002 passed in Civil Application No.456 of 2002 in Writ Petition No.4280 of 2001 directed the authorities not to give effect to the impugned order or to take any further steps in relation to the impugned orders. The impugned orders in the petition were dated 22nd March, 2000 passed by the Tahsildar in Revenue Proceedings No.84/C-1 of 1998 and another order dated 30th November, 2000 passed by the Additional Collector in the Revenue Proceedings No.78/B/2000. Both the orders were passed in exercise of the powers under the Maharashtra Land Revenue Code. The Panchayat is not the authority under the Land Revenue Code. The order of this Court was issued with a specific direction to the authorities under the Land Revenue Code. Being so, merely because the Panchayat has passed the Resolution in relation to the assessment of the house which eventually happens to be the property covered by the order passed by the Revenue Authority in the impugned order and there has been direction to the concerned authorities not to take any further proceedings in relation to the impugned order, that would not prevent the Panchayat in taking necessary decision in exercise of its powers under the Panchayat Act. There was no specific direction under the order dated 28th June, 2002 in relation to the powers of Panchayat pertaining to the

assessment and recovery of the house tax in relation to the house situated in the concerned village. Being so, the said Resolution dated 29th October, 2003 which is said to be in contravention of the order dated 28th June 2002 is totally devoid of substance. There being no case made out for proceeding against the respondents for the alleged contempt of Court, the petition needs to be dismissed and is hereby accordingly dismissed. The notice shall stand discharged.